

REMARKS

Responsive to the Office Action dated 25 September 2002, Applicant notes that Claims 1-22 were rejected under 35 U.S.C. 102(b) as being anticipated by Underwood et al, U.S. Patent No. 5,873,066 (the '066 patent).

Applicant notes that the '066 Patent issued on 16 February 1999. The subject patent application was filed on 04 October 1999, less than one year after the issue date of the '066 patent.

Applicant also notes that the '066 patent was filed on 10 February 1997. Applicant submits herewith the Declarations of Robert S. Martin and John Olsen pursuant to 37 C.F.R. §1.131 by which the Applicant swears behind the '066 reference. In particular, Applicant's Declarations demonstrate Applicant's conception of the invention prior to the effective date of the reference, coupled with due diligence from the prior date to subsequent reduction of practice by the filing date of the subject application. Applicant provides herewith original exhibits of drawings or records or photocopies thereof, as identified in the declarations included herewith.

Applicant's Attorney has made a careful comparison of the claims of the subject application and those in the '066 patent and has determined that the subject application does not claim the same invention as that in the '066 patent.

CONCLUSION

Based on the foregoing, Applicant considers this invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the objections and rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the this application is therefore allowed to issue as a United States patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



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